

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48640 of 2023

Arising Out of PS. Case No.-111 Year-2021 Thana- BITHAN District- Samastipur

1. Sadanand Kumar @ Sadanand Yadav Son Of Umesh Yadav R/O-Jagmohra Bithan, P.S.-Samastipur, Distt.-Samastipur.
2. Vidyanand Kumar @ Vidyanand Yadav Son Of Umesh Yadav R/O-Jagmohra Bithan, P.S.-Samastipur, Distt.-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-08-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 302 Indian Penal Code.

3. As per the prosecution, a case has been lodged against 18 named accused persons, including the present petitioner that accused persons surrounded the son of the informant, who was coming on his motorcycle in the evening on 26.07.2021. The allegation against the accused Nityanand Yadav is that he attacked on the head of the informant's son by iron rod due to which he died, when the victim along with the informant was taken to the hospital for treatment.

4. It is submitted by learned counsel for the petitioners that petitioners are innocent and have committed no offence. Counsel for the petitioners submits that there is a long dispute going on between the petitioners and the informant side and it is itself stated in the FIR that the specific allegation is against one accused namely Nityanand Yadav, who attacked by iron rod on the head of the informant's son and a general and omnibus allegation has been made against the other accused persons. Counsel also submits that the antecedent of the petitioners is also clean. He further submits that a long pending civil dispute is also going on for said land in Title Suit No.119 of 2019, which is still pending and the petitioners' side and informant side has inimical relation between them. Counsel submits that there is a criminal case filed by the petitioner's side upon the informant side bearing Bithan Case No.93 of 2017. Counsel submits that it true that death of the informant's son has been caused due to injury on the head but it is also true that the specific allegation is against one accused person and the entire family member and relatives has been made accused in this case.

5. Learned APP for the State opposes the prayer for bail and submits that this is a case under Section 302 of the Indian Penal Code.

6. In the present facts and circumstances, let the above

named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-II, Rosera, Samastipur in connection with Bithan P. S. Case No.111 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashishsingh/-

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